

GARMAN TURNER GORDON LLP
GREGORY E. GARMAN, ESQ.
Nevada Bar No. 6654
Email: ggarman@gtg.legal
TALITHA GRAY KOZLOWSKI, ESQ.
Nevada Bar No. 9040
Email: tgray@gtg.legal
TERESA M. PILATOWICZ, ESQ.
Nevada Bar No. 9605
Email: tpilatowicz@gtg.legal
DYLAN CICILIANO, ESQ.
Nevada Bar No. 12348
Email: dciciliano@gtg.legal
7251 Amigo Street, Suite 210
Las Vegas, Nevada 89119
Tel: (725) 777-3000

SUSMAN GODFREY L.L.P.
STEVEN M. SHEPARD, ESQ.
Admitted pro hac vice
Email: sshepard@susmangodfrey.com
FLOYD G. SHORT, ESQ.
Admitted pro hac vice
Email: fshort@susmangodfrey.com
RAVI PAUL SINGH BHALLA, ESQ.
Admitted pro hac vice
Email: rbhalla@susmangodfrey.com
1301 Avenue of the Americas, 32nd Floor
New York, New York 10019
Tel: (212) 729-2010
SUSMAN GODFREY L.L.P.
ALEXANDRA G. WHITE, ESQ.
Admitted pro hac vice
Email: lwhite@susmangodfrey.com
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Tel: (713) 653-7883
Attorneys for EB Holdings II, Inc.

K&L GATES LLP
THOMAS E. BIRSIC, ESQ.
(admitted *pro hac vice*)
Email: thomas.birsic@klgates.com
PAUL C. FUENER, ESQ.
(admitted *pro hac vice*)
Email: paul.fuener@klgates.com
JESSICA L.G. MORAN, ESQ.
(admitted *pro hac vice*)
Email: jessica.moran@klgates.com
K&L Gates Center
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222-2613
Tel: (412) 355-6500

GHANDI DEETER BLACKHAM
SHARA L. LARSON, ESQ.
Nevada Bar No. 7786
Email: shara@ghandilaw.com
725 S. 8th St., Suite 100
Las Vegas, Nevada 89101
Tel: (702) 878-1115
Attorneys for QXH II, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

ILLINOIS NATIONAL INSURANCE
COMPANY, CONTINENTAL
CASUALTY COMPANY, and FEDERAL
INSURANCE COMPANY,

Case No.: 2:20-cv-02248-JCM-NJK

**JOINT STIPULATION OF APPENDIX OF
EXHIBITS FOR SUMMARY JUDGMENT**

Defendants.

Plaintiffs EB Holdings II, Inc. (“EBH”), QXH II, Inc. (“QXH,” and together with EBH, the “Plaintiffs”) and Defendants Illinois National Insurance Company (“Illinois National”), Continental Casualty Company (“Continental”), and Federal Insurance Company (“Federal,” and together with Illinois National and Continental, the “Defendants,” and together with the Plaintiffs, the “Parties”), by and through their respective counsel of record, submit the following Joint Stipulation of Appendix for Summary Judgment:

1. Attached as Exhibit 1 is a true and correct copy of the original complaint in the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et al.*, Case No. A-16-742507-B.
2. Attached as Exhibit 2 is a true and correct copy of the first amended complaint in the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et al.*, Case No. A-16-742507-B.
3. Attached as Exhibit 3 is a true and correct copy of the second amended complaint in the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et al.*, Case No. A-16-742507-B.
4. Attached as Exhibit 4 is a true and correct copy of the operative third amended complaint in the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et al.*, Case No. A-16-742507-B.
5. Attached as Exhibit 5 is a true and correct copy of the operative complaint in the lawsuit captioned, *EB Holdings II, Inc. v. GoldenTree Master Fund, Ltd. et al.*, Case No. A-16-745669-B.
6. Attached as Exhibit 6 is a true and correct copy of the Statement of the PIK Lender Group in Support of Involuntary Chapter 11 Petition Under Section 303 of the Bankruptcy Code filed in United States Bankruptcy Court for the District of Nevada, No. 17-12642-MKN, ECF 6.

- 1 7. Attached as Exhibit 7 is a true and correct copy of the voluntary bankruptcy
2 petition filed by EB Holdings II, Inc. and its affiliates in United States Bankruptcy
3 Court for the District of Nevada, No. 19-16364-MKN, at ECF 1.
- 4 8. Attached as Exhibit 8 is a true and correct copy of the BOATS 2007 Issue
5 Memorandum.
- 6 9. Attached as Exhibit 9 is an email from Plaintiffs' insurance broker, Marsh, dated
7 September 18, 2015, to representatives of various insurance companies including
8 Illinois National, and the attachments to that email. One attachment to the email
9 is Plaintiffs' application, signed and dated September 15, 2015, for the Directors,
10 Officers and Private Company Liability Insurance Policy Number 02-245-65-22
11 issued by Illinois National Insurance Company for the policy period of October
12 31, 2015 to November 1, 2016.
- 13 10. Attached as Exhibit 10 is a true and correct copy of Directors, Officers and Private
14 Company Liability Insurance Policy Number 02-245-65-22 issued by Illinois
15 National Insurance Company for the policy period of October 31, 2015 to
16 November 1, 2016.
- 17 11. Attached as Exhibit 11 is a true and correct copy of Excess Policy No. 425467175
18 issued by Continental Casualty Company for the policy period of October 31,
19 2015 to November 1, 2016.
- 20 12. Attached as Exhibit 12 is a true and correct copy of Excess Insurance Policy,
21 Policy Number 02-245-71-16 issued by Illinois National Insurance Company for
22 the policy period of October 31, 2015 to November 1, 2016.
- 23 13. Attached as Exhibit 13 is a true and correct copy of Excess Insurance Policy,
24 Policy Number 8181-4853 issued by Federal Insurance Company for the policy
25 period of October 31, 2015 to November 1, 2016.
- 26 14. Attached as Exhibit 14 is a true and correct copy of a March 13, 2017 letter from
27 Alice Mascioli to Melissa Sommers.

1 15. Attached as Exhibit 15 is a true and correct copy of a March 21, 2017 email from
2 Peter Critchell to Andrea Lieberman and the attachment to the email, which is a
3 letter from Alice Mascioli to Melissa Sommers.

4 16. Attached as Exhibit 16 is a true and correct copy of an August 17, 2017 letter
5 from Alice Mascioli to Melissa Sommers.

6 17. Attached as Exhibit 17 is a true and correct copy of an October 17, 2017 letter
7 from Kimberly Potter Andersen to Melissa Sommers.

8 18. Attached as Exhibit 18 is a true and correct copy of the PIK Loan Agreement.

9 19. Attached as Exhibit 19 is a true and correct copy of the involuntary bankruptcy
10 petition filed in United States Bankruptcy Court for the District of Nevada, No.
11 17-12642-MKN, ECF 1.

12
13 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

14 All signatories listed, and on whose behalf the filing is submitted, concur in the
15 content and have authorized the filing.

16 SUSMAN GODFREY LLP

K&L GATES LLP

17
18 By: s/ Dylan Ciciliano
19 GREGORY E. GARMAN, ESQ.
20 TALITHA GRAY KOZLOWSKI, ESQ.
21 TERESA M. PILATOWICZ, ESQ.
22 DYLAN CICILIANO, ESQ.
23 7251 Amigo Street, Suite 210
24 Las Vegas, Nevada 89119

25 SUSMAN GODFREY L.L.P.
26 STEVEN M. SHEPARD, ESQ.
27 FLOYD G. SHORT, ESQ.
28 RAVI PAUL SING BHALLA, ESQ.
1301 Avenue of the Americas, 32nd Floor
New York, New York 10019

ALEXANDRA G. WHITE, ESQ.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002

Attorneys for EB Holdings II, Inc.

By: s/ Paul C. Fuener
THOMAS E. BIRSIC, ESQ.
PAUL C. FUENER, ESQ.
K&L Gates Center
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222

GHANDI DEETER BLACKHAM
SHARA L. LARSON, ESQ.
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Attorneys for QXH II, Inc.

1 ANDERSON, McPHARLIN & CONNERS LLP

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

2
3 By: s/ Carleton R. Burch
4 CARLETON R. BURCH, ESQ.
5 JANIECE S. MARSHALL, ESQ.
6 601 S. Seventh Street
7 Las Vegas, Nevada 89101
8 *Attorneys for Illinois National Insurance*
9 *Company*

By: s/ Leland H. Jones IV
CHAD C. BUTTERFIELD, ESQ.
300 South 4th Street, 11th Floor
Las Vegas, Nevada 89101

WILEY REIN LLP
CHARLES C. LEMLEY, ESQ.
LELAND H. JONES IV, ESQ.
ANDREA MARTINEZ, ESQ.
2050 M Street, NW
Washington, DC 20036

Attorneys for Continental Casualty
Company

10
11 LEWIS BRISBOIS BISGAARD & SMITH LLP

12
13 By: s/ Jeffrey D. Olster
14 JEFFREY D. OLSTER, ESQ.
15 6385 S. Rainbow Boulevard, Suite 600
16 Las Vegas, Nevada 89118
17 *Attorneys for Federal Insurance Company*